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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,852	02/26/2004	David C. Nemir	70004-9601-CIP	8482
5179	7590	06/14/2006	EXAMINER	
PEACOCK MYERS, P.C. 201 THIRD STREET, N.W. SUITE 1340 ALBUQUERQUE, NM 87102			VU, JIMMY T	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/789,852

Applicant(s)

NEMIR ET AL.

Examiner

Jimmy T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-10, 17-29 and 36-38 is/are allowed.  
6) ☒ Claim(s) 11-16 and 30-35 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/6/04, 2/2/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-16 and 30-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan (U.S. Patent number 6,568,346 B2).

Regarding claim 11, Logan discloses a network appliance control apparatus having a power cord (211) and a plug (101) and comprising power control elements (230, 261, 262, 270, 290, 295) that are completely contained within said plug, wherein said power control elements are controlled to impose electrical signals onto the prongs of the plug (Figs 2-5, col. 3, lines 57-67, col. 4, lines 1-67).

Regarding claim 12, Logan discloses the apparatus wherein said electrical signals are detectable by monitoring electronics within a receptacle outlet (Figs. 2-5).

Regarding claim 13, Logan discloses the apparatus wherein said receptacle outlet is part of a building control network (Figs. 2-5).

Regarding claim 14, Logan discloses an appliance control apparatus having a power cord (211) and a plug (101) and comprising power monitoring elements and power control elements (230, 261, 262, 270, 290, 295) that are completely contained within said plug wherein said power

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monitoring elements can detect an external power interruption (Figs 2-5, col. 3, lines 57-67, col. 4, lines 1-67).

Regarding claim 15, Logan discloses the apparatus wherein said power interruption is used to convey control signals to said power control elements (Figs. 2-5).

Regarding claim 16, Logan discloses the apparatus wherein patterns of power interruptions are used to convey control requests (Figs. 2-5).

Regarding claims 30-35, the method steps are necessitated by the structure device as it is disclosed by Logan.

#### ***Allowable Subject Matter***

3. Claims 1-10, 17-29 and 36-38 are allowed.

None of the prior art teaches the apparatus comprising interface elements that are connected to two power carrying conductors and that are not contained within the plug, and means for transmitting status information from the interface elements to the power control elements by imposition of electrical signals onto the two power carrying conductors, wherein the electrical signals comprise an adjustable duration deadzone at a zero crossing of a sinusoidal excitation.

#### ***Information Disclosure Statement***

4. The references listed on the information disclosure statement submitted on 12/06/2004 and 02/02/2006 have been considered.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on (571) 272-1740. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

June 08, 2006



**TUYET VO  
PRIMARY EXAMINER**